



Sen. Pamela J. Althoff

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09600SB2820sam002

LRB096 18473 ASK 38410 a

1 AMENDMENT TO SENATE BILL 2820

2 AMENDMENT NO. _____. Amend Senate Bill 2820 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Child Care Act of 1969 is amended by
5 changing Sections 4, 5, 6, 7, 8, and 8.1 and by adding Section
6 3.2 as follows:

7 (225 ILCS 10/3.2 new)

8 Sec. 3.2. Licensing fees; fines; DCFS Children's Services
9 Fund.

10 (a) The Department shall charge a fee for issuing or
11 renewing a license on every child care facility, other than a
12 foster home. These fees shall be paid to the Department upon
13 the child care facility's application for licensure or renewal.
14 The Department shall adopt rules pursuant to the Illinois
15 Administrative Procedure Act pertaining to rate setting for
16 licensing fees. Any fee for licensure application or renewal

1 for a day care home, as defined in this Act, shall not exceed
2 \$100.

3 (b) The Department may assess a fine on any child care
4 facility, other than a foster home or day care home, for a
5 violation of this Act. The Department shall adopt rules
6 pursuant to the Illinois Administrative Procedure Act
7 pertaining to and setting the fines established under this Act.
8 No fine shall exceed \$500 per violation.

9 (c) All fees and fines collected by the Department under
10 this Act shall be deposited into the DCFS Children's Services
11 Fund and must be used to enhance services by the Department
12 pursuant to this Act.

13 (225 ILCS 10/4) (from Ch. 23, par. 2214)

14 Sec. 4. License requirement; application; notice.

15 (a) Any person, group of persons, or corporation who or
16 which receives children or arranges for care or placement of
17 one or more children unrelated to the operator must apply for a
18 license to operate one of the types of facilities defined in
19 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any
20 relative who receives a child or children for placement by the
21 Department on a full-time basis may apply for a license to
22 operate a foster family home as defined in Section 2.17 of this
23 Act.

24 (a-5) Any agency, person, group of persons, association,
25 organization, corporation, institution, center, or group

1 providing adoption services must be licensed by the Department
2 as a child welfare agency as defined in Section 2.08 of this
3 Act. "Providing adoption services" as used in this Act,
4 includes facilitating or engaging in adoption services.

5 (b) Application for a license to operate a child care
6 facility must be made to the Department in the manner and on
7 forms prescribed by it. An application to operate a foster
8 family home shall include, at a minimum: a completed written
9 form; written authorization by the applicant and all adult
10 members of the applicant's household to conduct a criminal
11 background investigation; medical evidence in the form of a
12 medical report, on forms prescribed by the Department, that the
13 applicant and all members of the household are free from
14 communicable diseases or physical and mental conditions that
15 affect their ability to provide care for the child or children;
16 the names and addresses of at least 3 persons not related to
17 the applicant who can attest to the applicant's moral
18 character; and fingerprints submitted by the applicant and all
19 adult members of the applicant's household.

20 (b-5) Application for a license to operate a child care
21 facility, other than a foster home, shall include an
22 application fee. The Department shall adopt rules and policies
23 pursuant to the Illinois Administrative Procedure Act to set a
24 fee schedule. The application fee shall not exceed \$25 for any
25 facility subject to the application fee under this Act.

26 (c) The Department shall notify the public when a child

1 care institution, maternity center, or group home licensed by
2 the Department undergoes a change in (i) the range of care or
3 services offered at the facility, (ii) the age or type of
4 children served, or (iii) the area within the facility used by
5 children. The Department shall notify the public of the change
6 in a newspaper of general circulation in the county or
7 municipality in which the applicant's facility is or is
8 proposed to be located.

9 (d) If, upon examination of the facility and investigation
10 of persons responsible for care of children, the Department is
11 satisfied that the facility and responsible persons reasonably
12 meet standards prescribed for the type of facility for which
13 application is made, and has paid the applicable application
14 fee, then the Department ~~it~~ shall issue a license in proper
15 form, designating on that license the type of child care
16 facility and, except for a child welfare agency, the number of
17 children to be served at any one time.

18 (e) The Department shall not issue or renew the license of
19 any child welfare agency providing adoption services, unless
20 the agency (i) is officially recognized by the United States
21 Internal Revenue Service as a tax-exempt organization
22 described in Section 501(c)(3) of the Internal Revenue Code of
23 1986 (or any successor provision of federal tax law) and (ii)
24 is in compliance with all of the standards necessary to
25 maintain its status as an organization described in Section
26 501(c)(3) of the Internal Revenue Code of 1986 (or any

1 successor provision of federal tax law). The Department shall
2 grant a grace period of 24 months from the effective date of
3 this amendatory Act of the 94th General Assembly for existing
4 child welfare agencies providing adoption services to obtain
5 501(c)(3) status. The Department shall permit an existing child
6 welfare agency that converts from its current structure in
7 order to be recognized as a 501(c)(3) organization as required
8 by this Section to either retain its current license or
9 transfer its current license to a newly formed entity, if the
10 creation of a new entity is required in order to comply with
11 this Section, provided that the child welfare agency
12 demonstrates that it continues to meet all other licensing
13 requirements and that the principal officers and directors and
14 programs of the converted child welfare agency or newly
15 organized child welfare agency are substantially the same as
16 the original. The Department shall have the sole discretion to
17 grant a one year extension to any agency unable to obtain
18 501(c)(3) status within the timeframe specified in this
19 subsection (e), provided that such agency has filed an
20 application for 501(c)(3) status with the Internal Revenue
21 Service within the 2-year timeframe specified in this
22 subsection (e).

23 (Source: P.A. 94-586, eff. 8-15-05.)

24 (225 ILCS 10/5) (from Ch. 23, par. 2215)

25 Sec. 5. (a) In respect to child care institutions,

1 maternity centers, child welfare agencies, day care centers,
2 day care agencies, and group homes, the Department, upon
3 receiving application filed in proper order, shall examine the
4 facilities and persons responsible for care of children
5 therein.

6 (b) In respect to foster family and day care homes,
7 applications may be filed on behalf of such homes by a licensed
8 child welfare agency, by a State agency authorized to place
9 children in foster care or by out-of-State agencies approved by
10 the Department to place children in this State. In respect to
11 day care homes, applications may be filed on behalf of such
12 homes by a licensed day care agency or licensed child welfare
13 agency. In applying for license in behalf of a home in which
14 children are placed by and remain under supervision of the
15 applicant agency, such agency shall certify that the home and
16 persons responsible for care of unrelated children therein, or
17 the home and relatives responsible for the care of related
18 children therein, were found to be in reasonable compliance
19 with standards prescribed by the Department for the type of
20 care indicated.

21 (c) The Department shall not allow any person to examine
22 facilities under a provision of this Act who has not passed an
23 examination demonstrating that such person is familiar with
24 this Act and with the appropriate standards and regulations of
25 the Department.

26 (d) With the exception of day care centers, day care homes,

1 and group day care homes, licenses shall be issued in such form
2 and manner as prescribed by the Department and are valid for 4
3 years from the date issued, unless revoked by the Department or
4 voluntarily surrendered by the licensee. Licenses issued for
5 day care centers, day care homes, and group day care homes
6 shall be valid for 3 years from the date issued, unless revoked
7 by the Department or voluntarily surrendered by the licensee.
8 When a licensee has made timely and sufficient application for
9 the renewal of a license or a new license, including payment of
10 the required fee, with reference to any activity of a
11 continuing nature, the existing license shall continue in full
12 force and effect for up to 30 days until the final agency
13 decision on the application has been made. The Department may
14 further extend the period in which such decision must be made
15 in individual cases for up to 30 days, but such extensions
16 shall be only upon good cause shown. If for any reason, other
17 than the Department having not performed the necessary facility
18 visit or inspection, the renewal process is not completed
19 within 6 months of the submission of the renewal application,
20 then the license expires and under no circumstances shall an
21 additional extension be granted by the Department and the
22 facility must submit a new application for a new license.

23 (e) The Department may issue one 6-month permit to a newly
24 established facility for child care to allow that facility
25 reasonable time to become eligible for a full license. If the
26 facility for child care is a foster family home, or day care

1 home the Department may issue one 2-month permit only.

2 (f) The Department may issue an emergency permit to a child
3 care facility taking in children as a result of the temporary
4 closure for more than 2 weeks of a licensed child care facility
5 due to a natural disaster. An emergency permit under this
6 subsection shall be issued to a facility only if the persons
7 providing child care services at the facility were employees of
8 the temporarily closed day care center at the time it was
9 closed. No investigation of an employee of a child care
10 facility receiving an emergency permit under this subsection
11 shall be required if that employee has previously been
12 investigated at another child care facility. No emergency
13 permit issued under this subsection shall be valid for more
14 than 90 days after the date of issuance.

15 (g) During the hours of operation of any licensed child
16 care facility, authorized representatives of the Department
17 may without notice visit the facility for the purpose of
18 determining its continuing compliance with this Act or
19 regulations adopted pursuant thereto.

20 (h) Day care centers, day care homes, and group day care
21 homes shall be monitored at least annually by a licensing
22 representative from the Department or the agency that
23 recommended licensure.

24 (Source: P.A. 89-21, eff. 7-1-95; 89-263, eff. 8-10-95; 89-626,
25 eff. 8-9-96.)

1 (225 ILCS 10/6) (from Ch. 23, par. 2216)

2 Sec. 6. (a) A licensed facility operating as a "child care
3 institution", "maternity center", "child welfare agency", "day
4 care agency" or "day care center" must apply for renewal of its
5 license held, the application to be made to the Department on
6 forms prescribed by it. The Department shall charge a fee for
7 the renewal of a license as required in Section 3.2 of this
8 Act.

9 (b) The Department, a duly licensed child welfare agency or
10 a suitable agency or person designated by the Department as its
11 agent to do so, must re-examine every child care facility for
12 renewal of license, including in that process the examination
13 of the premises and records of the facility as the Department
14 considers necessary to determine that minimum standards for
15 licensing continue to be met, and random surveys of parents or
16 legal guardians who are consumers of such facilities' services
17 to assess the quality of care at such facilities. In the case
18 of foster family homes, or day care homes under the supervision
19 of or otherwise required to be licensed by the Department, or
20 under supervision of a licensed child welfare agency or day
21 care agency, the examination shall be made by the Department,
22 or agency supervising such homes. If the Department is
23 satisfied that the facility continues to maintain minimum
24 standards which it prescribes and publishes, it shall renew the
25 license to operate the facility.

26 (c) If a child care facility's license is revoked, or if

1 the Department refuses to renew a facility's license, the
2 facility may not reapply for a license before the expiration of
3 12 months following the Department's action; provided,
4 however, that the denial of a reapplication for a license
5 pursuant to this subsection must be supported by evidence that
6 the prior revocation renders the applicant unqualified or
7 incapable of satisfying the standards and rules promulgated by
8 the Department pursuant to this Act or maintaining a facility
9 which adheres to such standards and rules.

10 (Source: P.A. 86-554.)

11 (225 ILCS 10/7) (from Ch. 23, par. 2217)

12 Sec. 7. (a) The Department must prescribe and publish
13 minimum standards for licensing that apply to the various types
14 of facilities for child care defined in this Act and that are
15 equally applicable to like institutions under the control of
16 the Department and to foster family homes used by and under the
17 direct supervision of the Department. The Department shall seek
18 the advice and assistance of persons representative of the
19 various types of child care facilities in establishing such
20 standards. The standards prescribed and published under this
21 Act take effect as provided in the Illinois Administrative
22 Procedure Act, and are restricted to regulations pertaining to
23 the following matters and to any rules and regulations required
24 or permitted by any other Section of this Act:

25 (1) The operation and conduct of the facility and

1 responsibility it assumes for child care;

2 (2) The character, suitability and qualifications of
3 the applicant and other persons directly responsible for
4 the care and welfare of children served. All child day care
5 center licensees and employees who are required to report
6 child abuse or neglect under the Abused and Neglected Child
7 Reporting Act shall be required to attend training on
8 recognizing child abuse and neglect, as prescribed by
9 Department rules;

10 (3) The general financial ability and competence of the
11 applicant to provide necessary care for children and to
12 maintain prescribed standards;

13 (4) The number of individuals or staff required to
14 insure adequate supervision and care of the children
15 received. The standards shall provide that each child care
16 institution, maternity center, day care center, group
17 home, day care home, and group day care home shall have on
18 its premises during its hours of operation at least one
19 staff member certified in first aid, in the Heimlich
20 maneuver and in cardiopulmonary resuscitation by the
21 American Red Cross or other organization approved by rule
22 of the Department. Child welfare agencies shall not be
23 subject to such a staffing requirement. The Department may
24 offer, or arrange for the offering, on a periodic basis in
25 each community in this State in cooperation with the
26 American Red Cross, the American Heart Association or other

1 appropriate organization, voluntary programs to train
2 operators of foster family homes and day care homes in
3 first aid and cardiopulmonary resuscitation;

4 (5) The appropriateness, safety, cleanliness and
5 general adequacy of the premises, including maintenance of
6 adequate fire prevention and health standards conforming
7 to State laws and municipal codes to provide for the
8 physical comfort, care and well-being of children
9 received;

10 (6) Provisions for food, clothing, educational
11 opportunities, program, equipment and individual supplies
12 to assure the healthy physical, mental and spiritual
13 development of children served;

14 (7) Provisions to safeguard the legal rights of
15 children served;

16 (8) Maintenance of records pertaining to the
17 admission, progress, health and discharge of children,
18 including, for day care centers and day care homes, records
19 indicating each child has been immunized as required by
20 State regulations. The Department shall require proof that
21 children enrolled in a facility have been immunized against
22 Haemophilus Influenzae B (HIB);

23 (9) Filing of reports with the Department;

24 (10) Discipline of children;

25 (11) Protection and fostering of the particular
26 religious faith of the children served;

1 (12) Provisions prohibiting firearms on day care
2 center premises except in the possession of peace officers;

3 (13) Provisions prohibiting handguns on day care home
4 premises except in the possession of peace officers or
5 other adults who must possess a handgun as a condition of
6 employment and who reside on the premises of a day care
7 home;

8 (14) Provisions requiring that any firearm permitted
9 on day care home premises, except handguns in the
10 possession of peace officers, shall be kept in a
11 disassembled state, without ammunition, in locked storage,
12 inaccessible to children and that ammunition permitted on
13 day care home premises shall be kept in locked storage
14 separate from that of disassembled firearms, inaccessible
15 to children;

16 (15) Provisions requiring notification of parents or
17 guardians enrolling children at a day care home of the
18 presence in the day care home of any firearms and
19 ammunition and of the arrangements for the separate, locked
20 storage of such firearms and ammunition.

21 (a-5) The Department must prescribe and publish schedules
22 for licensure application and licensing renewal fees that apply
23 to the various types of child care facilities, other than
24 foster homes. The fee and fine schedules prescribed and
25 published under this Act take effect as provided in the
26 Illinois Administrative Procedure Act.

1 (a-10) The Department shall publish information on
2 substantiated violations found in all facilities licensed
3 under this Act, other than foster homes. The Department must
4 prescribe and publish schedules of fines that apply to the
5 various child care facilities, other than foster homes or day
6 care homes, for violations of this Act. The fine schedules
7 prescribed and published under this Act take effect as provided
8 in the Illinois Administrative Procedure Act.

9 (b) If, in a facility for general child care, there are
10 children diagnosed as mentally ill, mentally retarded or
11 physically handicapped, who are determined to be in need of
12 special mental treatment or of nursing care, or both mental
13 treatment and nursing care, the Department shall seek the
14 advice and recommendation of the Department of Human Services,
15 the Department of Public Health, or both Departments regarding
16 the residential treatment and nursing care provided by the
17 institution.

18 (c) The Department shall investigate any person applying to
19 be licensed as a foster parent to determine whether there is
20 any evidence of current drug or alcohol abuse in the
21 prospective foster family. The Department shall not license a
22 person as a foster parent if drug or alcohol abuse has been
23 identified in the foster family or if a reasonable suspicion of
24 such abuse exists, except that the Department may grant a
25 foster parent license to an applicant identified with an
26 alcohol or drug problem if the applicant has successfully

1 participated in an alcohol or drug treatment program, self-help
2 group, or other suitable activities.

3 (d) The Department, in applying standards prescribed and
4 published, as herein provided, shall offer consultation
5 through employed staff or other qualified persons to assist
6 applicants and licensees in meeting and maintaining minimum
7 requirements for a license and to help them otherwise to
8 achieve programs of excellence related to the care of children
9 served. Such consultation shall include providing information
10 concerning education and training in early childhood
11 development to providers of day care home services. The
12 Department may provide or arrange for such education and
13 training for those providers who request such assistance.

14 (e) The Department shall distribute copies of licensing
15 standards to all licensees and applicants for a license. Each
16 licensee or holder of a permit shall distribute copies of the
17 appropriate licensing standards and any other information
18 required by the Department to child care facilities under its
19 supervision. Each licensee or holder of a permit shall maintain
20 appropriate documentation of the distribution of the
21 standards. Such documentation shall be part of the records of
22 the facility and subject to inspection by authorized
23 representatives of the Department.

24 (f) The Department shall prepare summaries of day care
25 licensing standards. Each licensee or holder of a permit for a
26 day care facility shall distribute a copy of the appropriate

1 summary and any other information required by the Department,
2 to the legal guardian of each child cared for in that facility
3 at the time when the child is enrolled or initially placed in
4 the facility. The licensee or holder of a permit for a day care
5 facility shall secure appropriate documentation of the
6 distribution of the summary and brochure. Such documentation
7 shall be a part of the records of the facility and subject to
8 inspection by an authorized representative of the Department.

9 (g) The Department shall distribute to each licensee and
10 holder of a permit copies of the licensing or permit standards
11 applicable to such person's facility. Each licensee or holder
12 of a permit shall make available by posting at all times in a
13 common or otherwise accessible area a complete and current set
14 of licensing standards in order that all employees of the
15 facility may have unrestricted access to such standards. All
16 employees of the facility shall have reviewed the standards and
17 any subsequent changes. Each licensee or holder of a permit
18 shall maintain appropriate documentation of the current review
19 of licensing standards by all employees. Such records shall be
20 part of the records of the facility and subject to inspection
21 by authorized representatives of the Department.

22 (h) Any standards involving physical examinations,
23 immunization, or medical treatment shall include appropriate
24 exemptions for children whose parents object thereto on the
25 grounds that they conflict with the tenets and practices of a
26 recognized church or religious organization, of which the

1 parent is an adherent or member, and for children who should
2 not be subjected to immunization for clinical reasons.

3 (i) The Department, in cooperation with the Department of
4 Public Health, shall work to increase immunization awareness
5 and participation among parents of children enrolled in day
6 care centers and day care homes by publishing on the
7 Department's website information about the benefits of annual
8 immunization against influenza for children 6 months of age to
9 5 years of age. The Department shall work with day care centers
10 and day care homes licensed under this Act to ensure that the
11 information is annually distributed to parents in August or
12 September.

13 (Source: P.A. 96-391, eff. 8-13-09.)

14 (225 ILCS 10/8) (from Ch. 23, par. 2218)

15 Sec. 8. The Department may revoke or refuse to renew the
16 license of any child care facility or child welfare agency or
17 refuse to issue full license to the holder of a permit should
18 the licensee or holder of a permit:

19 (1) fail to maintain standards prescribed and
20 published by the Department;

21 (2) violate any of the provisions of the license
22 issued;

23 (2.3) fail to pay a license renewal fee;

24 (2.5) fail to pay a fine owed to the Department;

25 (3) furnish or make any misleading or any false

1 statement or report to the Department;

2 (4) refuse to submit to the Department any reports or
3 refuse to make available to the Department any records
4 required by the Department in making investigation of the
5 facility for licensing purposes;

6 (5) fail or refuse to submit to an investigation by the
7 Department;

8 (6) fail or refuse to admit authorized representatives
9 of the Department at any reasonable time for the purpose of
10 investigation;

11 (7) fail to provide, maintain, equip and keep in safe
12 and sanitary condition premises established or used for
13 child care as required under standards prescribed by the
14 Department, or as otherwise required by any law, regulation
15 or ordinance applicable to the location of such facility;

16 (8) refuse to display its license or permit;

17 (9) be the subject of an indicated report under Section
18 3 of the Abused and Neglected Child Reporting Act or fail
19 to discharge or sever affiliation with the child care
20 facility of an employee or volunteer at the facility with
21 direct contact with children who is the subject of an
22 indicated report under Section 3 of that Act;

23 (10) fail to comply with the provisions of Section 7.1;

24 (11) fail to exercise reasonable care in the hiring,
25 training and supervision of facility personnel;

26 (12) fail to report suspected abuse or neglect of

1 children within the facility, as required by the Abused and
2 Neglected Child Reporting Act;

3 (12.5) fail to comply with subsection (c-5) of Section
4 7.4;

5 (13) fail to comply with Section 5.1 or 5.2 of this
6 Act; or

7 (14) be identified in an investigation by the
8 Department as an addict or alcoholic, as defined in the
9 Alcoholism and Other Drug Abuse and Dependency Act, or be a
10 person whom the Department knows has abused alcohol or
11 drugs, and has not successfully participated in treatment,
12 self-help groups or other suitable activities, and the
13 Department determines that because of such abuse the
14 licensee, holder of the permit, or any other person
15 directly responsible for the care and welfare of the
16 children served, does not comply with standards relating to
17 character, suitability or other qualifications established
18 under Section 7 of this Act.

19 (Source: P.A. 94-586, eff. 8-15-05; 94-1010, eff. 10-1-06.)

20 (225 ILCS 10/8.1) (from Ch. 23, par. 2218.1)

21 Sec. 8.1. The Department shall revoke or refuse to renew
22 the license of any child care facility or refuse to issue a
23 full license to the holder of a permit should the licensee or
24 holder of a permit:

25 (1) fail to correct any condition which jeopardizes the

1 health, safety, morals, or welfare of children served by the
2 facility;

3 (2) fail to correct any condition or occurrence relating to
4 the operation or maintenance of the facility comprising a
5 violation under Section 8 of this Act; ~~or~~

6 (3) fail to maintain financial resources adequate for the
7 satisfactory care of children served in regard to upkeep of
8 premises, and provisions for personal care, medical services,
9 clothing, education and other essentials in the proper care,
10 rearing and training of children; ~~or~~

11 (4) fail to pay a license renewal fee; or

12 (5) fail to pay a fine owed to the Department.

13 (Source: P.A. 83-1362.)

14 Section 99. Effective date. This Act takes effect July 1,
15 2011.".